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ATTORNEY'S DOCKET NO. C01037.70035.00

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1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert L. Bratzler  
Serial No.: 10/017,995  
Filed: December 14, 2001  
For: INHIBITION OF ANGIOGENESIS BY NUCLEIC ACIDS  
Examiner: Not yet assigned  
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 31st day of October, 2002.

  
Helen C. Lockhart

Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL

Sir:

Transmitted herewith are the following document(s):

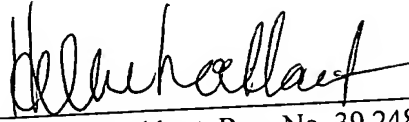
- [X] Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98;
- [X] PTO Form 1449;
- [X] Copies of references A1 – C58;
- [X] Copies of additional references (20 co-pending applications) as described in IDS Statement;
- [X] Certificate of Mailing; and
- [X] Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

If any fee is believed to be owed, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

USSN 10/017,995

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Lockhart', written over a horizontal line.

Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617) 720-3500

Docket No. C01037.70025.US  
Date: October 31, 2002  
x10/31/02



ATTORNEY'S DOCKET NO: C010377005.13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert L. Bratzler  
Serial No: 10/017,995  
Conf. No.: 7158  
Filed: December 14, 2001  
For: INHIBITION OF ANGIOGENESIS BY NUCLEIC ACIDS  
Examiner: Not yet assigned  
Art Unit: 1645

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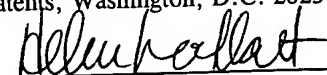
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Helen C. Lockhart

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Attorney Docket No.</u>
09/009,634	01/20/1998	Hutcherson, <i>et al.</i>	C01037.70016.US
09/337,619	06/21/1999	Krieg <i>et al.</i>	C01039.70021.US
09/337,636	06/21/1999	Krieg	C01039.70023.US
09/361,575	07/27/1999	Krieg	C01039.70028.US
09/415,142	10/09/1999	Krieg, <i>et al.</i>	C01039.70029.US
09/655,319	09/05/2000	Krieg, <i>et al.</i>	C01039.70041.US
09/672,126	09/27/2000	Hartmann, <i>et al.</i>	C01039.70044.US
09/669,187	09/25/2000	Krieg, <i>et al.</i>	C01039.70035.US
09/800,266	03/05/2001	Bratzler, <i>et al.</i>	C01037.70017.US
09/818,918	03/27/2001	Krieg, <i>et al.</i>	C01039.70048.US
09/824,468	04/02/2001	Krieg, <i>et al.</i>	C01039.70049.US
09/888,326	06/22/2001	Weiner, <i>et al.</i>	C01039.70052.US
10/023,909	12/18/2001	Davis, <i>et al.</i>	C01039.70058.US
10/161,229	06/03/2002	Krieg, <i>et al.</i>	C01039.70061.US
10/224,523	07/19/2002	Krieg, <i>et al.</i>	C01039.70063.US
09/316,199	05/21/1999	McCluskie, <i>et al.</i>	C01040.70006.US
09/768,012	01/22/2001	Davis, <i>et al.</i>	C01040.70010.US
09/241,653	02/02/1999	Wagner, <i>et al.</i>	C01041.70002.US
09/786,436	03/02/2001	Wagner, <i>et al.</i>	C01041.70010.US
10/140,013	05/06/2002	Vollmer, <i>et al.</i>	C01041.70019.US

PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
***Robert L. Bratzler, Applicant***

By: \_\_\_\_\_

Helen C. Lockhart

Reg No. 39,248

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, MA 02210

Telephone (617) 720-3500

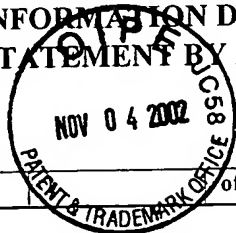
Docket No. C01037.70025.US

Dated: October 31, 2002

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FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/017,995	ATTY. DOCKET NO.: C01037.70025.US
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: December 14, 2001	
		APPLICANT: Robert L. Bratzler	
		GROUP ART UNIT: 1645	EXAMINER: Not yet assigned
Sheet	of 3		



U.S. PATENT DOCUMENTS

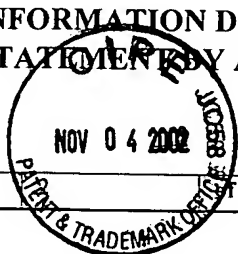
Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYY
		Number	Kind Code		
	A1	5,663,153		Hutcherson, <i>et al.</i>	09-02-1997
	A2	5,723,335		Hutcherson, <i>et al.</i>	03-03-1998
	A3	6,030,955		Stein, <i>et al.</i>	02-29-2000
	A4	6,194,388	B1	Krieg, <i>et al.</i>	02-27-2001
	A5	6,207,646	B1	Krieg, <i>et al.</i>	03-27-2001
	A6	6,214,806	B1	Krieg, <i>et al.</i>	04-10-2001
	A7	6,218,371	B1	Krieg, <i>et al.</i>	04-17-2001
	A8	6,239,116	B1	Krieg, <i>et al.</i>	05-29-2001
	A9	US 2001/0021772	A1	Uhlmann, <i>et al.</i>	09-13-2001
	A10	6,339,068	B1	Davis, <i>et al.</i>	01-15-2002
	A11	6,406,705	B1	Davis, <i>et al.</i>	06-18-2002

FOREIGN PATENT DOCUMENTS

Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B1	EP	0 302 758	B1	Androphy, <i>et al.</i>		
	B2	EP	0 468 520	A3	Tokunaga, <i>et al.</i>		
	B3	WO	92/21353	A1	Arnold, <i>et al.</i>		
	B4	WO	94/19945	A1	Draper, <i>et al.</i>		
	B5	WO	95/05853	A1	Carson, <i>et al.</i>		
	B6	WO	95/26204	A1	Hutcherson, <i>et al.</i>		
	B7	WO	96/02555	A1	Krieg, <i>et al.</i>		
	B8	WO	97/28259	A1	Carson, <i>et al.</i>		
	B9	WO	98/16247	A1	Carson, <i>et al.</i>		
	B10	WO	98/18810	A1	Krieg, <i>et al.</i>		
	B11	WO	98/32462	A1	Wagner, <i>et al.</i>		
	B12	WO	98/40100	A1	Davis, <i>et al.</i>		
	B13	WO	98/55495	A2	Schwartz, <i>et al.</i>		
	B14	WO	98/55609	A1	Ray, <i>et al.</i>		
	B15	WO	01/02007	A1	Raz, <i>et al.</i>		
	B16	WO	01/12223	A2	Van Nest, <i>et al.</i>		
	B17	WO	99/55743	A1	Chen, <i>et al.</i>		
	B18	WO	99/11275	A2	Ray, <i>et al.</i>		

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FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/017,995	ATTY. DOCKET NO.: C01037.70025.US
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Sheet	3		



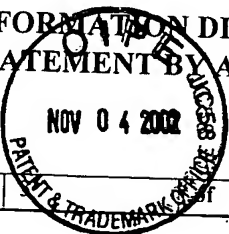
# OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	Azuma, et al., Kekkau, Vol. 67., No. 9, pp. 625-631, (45-55), 1992 - Abstract	
	C2	Blaxter, et al., Molecular and Biochemical Parasitology, Vol. 77, pp. 77-93, 1996	
	C3	Branda, et al., Journal of Laboratory Clinical Medicine, Vol. 128, No. 3, pp. 329-338, 1996	
	C4	Brunner, et al., Journal of Immunology, Vol 165, pp. 6278-6286, 2000	
	C5	Chace, et al., Clinical Immunology and Immunopathology, Vol. 68, No. 3, pp. 327-332, 1993	
	C6	Chu, et al., Journal of Experimental Medicine, Vol. 186, No. 10, pp. 1623-1631, 1997	
	C7	Cowdery, et al., Journal of Immunology, Vol. 156, Vol. 12, pp. 4570-4575, 1996	
	C8	Davis, et al., Journal of Immunology, Vol. 160, No. 2, pp. 870-876, 1998	
	C9	Davis, et al., Current Opinion in Biotechnology, Vol. 8, No. 5, pp. 635-640, 1997	
	C10	Elkins, et al., Journal of Immunology, Vol. 162, pp. 2291-2298, 1999	
	C11	Halpern, Cellular Immunology, Vol. 167, No. 1, pp. 72-78, 1996	
	C12	Hartmann, et al., Proc. National Academy Science, Vol. 96, pp. 9305-9310, 1999	
	C13	Horner, et al., Springer Seminar Immunopathology, Vol. 22, Nos. 1-2, pp. 133-146, 2000	
	C14	Huang, et al., Infection and Immunity, Vol. 67, No. 12, pp. 6257-6263, 1999	
	C15	Jakob, et al., Journal of Immunology, Vol. 161, No. 6, pp. 3042-3049, 1998	
	C16	Jakob, et al., International Archives Allergy Immunology, Vol. 118, Nos. 2-4, pp. 457-461, 1999	
	C17	Hartmann and Krieg, Journal of Immunology, Vol 164, pg. 944, 2000	
	C18	Hartmann, et al., Journal of Immunology, Vol. 164, pg. 1617, 2000	
	C19	Hartmann and Krieg, Gene Therapy, Vol. 6, pp. 893-903, 1999	
	C20	Kataoka, et al., Japanese Journal of Cancer Research, Vol. 83, pp. 244-247, 1992	
	C21	Kataoka, et al., Japanese Journal Medical Science Biology, Vol. 43, pp. 171-189, 1990	
	C22	Kimura, et al., Journal of Biochemistry, Vol. 116, No. 5, pp. 991-994, 1994	
	C23	Klinman, et al., Journal of Immunology, Vol. 158, No. 8, pp. 3635-3639, 1997	
	C24	Klinman, et al., Proc. National Academy Science USA, Vol. 93, No. 7, pp. 2879-2883, 1996	
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	C26	Krieg, Journal of Laboratory Clinical Medicine, Vol. 128, No. 2, pp. 128-133, 1996	
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	C29	Krieg, et al., Nature, Vol. 374, pp. 546-549, 1995	
	C30	Kuramoto, et al., Japanese Journal of Cancer Research, Vol. 83, pp. 1128-1131, 1992	
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	C37	Mastrangelo, et al., Seminars in Oncology, Vol. 23, No. 1, pp. 4-21, 1996	
	C38	Parker, et al. Cancer Gene Therapy, Vol. 3, pg. 175, 1996	
	C39	Sato, et al., Science, Vol. 273, pp. 352-354, 1996	
	C40	Shimada, et al., JNCI, Vol. 74, No. 3, pp. 681-688, 1985	
	C41	Stull, et al., Pharmaceutical Research, Vol. 12, No. 4, pp. 465-483, 1995	

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FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/017,995	ATTY. DOCKET NO.: C01037.70025.US
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		GROUP ART UNIT: 1645	EXAMINER: Not yet assigned
Sheet	3		

# OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C42	Tokunaga, et al., Microbiology Immunology, Vol. 36, No. 1, pp. 55-66, 1992	
	C43	Vil'ner, et al. Antibiotiki, 27(11):827-30, 1982. Abstract	
	C44	Vil'ner, et al. Antibiotiki 29(6):450-3, 1984. Abstract	
	C45	Vil'ner, et al. Vopr. Virusol., 30(3):337-340, 1985. Abstract	
	C46	Vil'ner, et al. Vopr. Virusol. 31(6):697-700, 1986. Abstract	
	C47	Vil'ner, et al. Vopr. Virusol. 33(3):331-35, 1988. Abstract	
	C48	Wooldridge, et al., Blood, Vol. 89, No. 8, pp. 2994-2998, 1997	
	C49	Yamamoto, et al., Microbiology Immunology, Vol. 36, No. 9, pp. 983-997, 1992	
	C50	Yamamoto, et al., Kekkaku, Vol. 69, No. 9, 571-574, 1994	
	C51	Yaswen, et al., Anti-Sense Research and Development, Vol. 3, No. 1, pp. 67-77, 1993	
	C52	Yi, et al., Journal of Immunology, Vol. 157, pp. 5394-5402, 1996	
	C53	Zheng, M. et al., Proc. Natl. Acad. Sci. USA, 2002, 99(13), 8944-8949.	
	C54	Constant, et al., Annual Review of Immunology, Vol. 15, pp. 297-322, 1997	
	C55	Loke, et al., Current Topics in Microbiology and Immunology, Vol. 141, pp. 282, 1988	
	C56	Peterson, et al., Biochemical Pharmacology, Vol. 47, No. 1, pp. 127-128, 1994	
	C57	Tokunaga, et al. JNCI, Vol. 72, pp. 955-962, 1984	
	C58	Wooldridge, et al., Proc. Amer. Assoc. for Cancer Research, 3253, Vol. 37, pp. 477, 1966 Abstract	

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EXAMINER	DATE CONSIDERED
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\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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